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Date: January 17, 2006
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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number 09/853,816

Filing Date May 11, 2001

First Named Inventor Tobagi

Art Unit 2665

Examiner Name M. U. Phan

Attorney Docket Number PA1689US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/
Incomplete Application
- ☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
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Change of Correspondence Address
- ☐ Terminal Disclaimer
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- ☐ After Allowance Communication to TC
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(Appeal Notice, Brief, Reply Brief)
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- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify
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1) PTO/SB/08A (x2)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Carr & Ferrell LLP	Cust. No. 22830
Signature	<i>Kenneth M. Kaslow</i>	
Printed name	Kenneth M. Kaslow	
Date	January 17, 2006	Reg. No. 32,246

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Signature	<i>Kenneth M. Kaslow</i>		
Typed or printed name	Kenneth M. Kaslow, Reg. No. 32,246	Date	January 17, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 17 2006

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Fouad A. Tobagi et al.
SERIAL NUMBER: 09/853,816
FILING DATE: May 11, 2001
TITLE: System and Method for Controlling Data Transfer Rates
on a Network
EXAMINER: Man U. Phan
ART UNIT: 2665
ATTY. DKT. NO.: PA1689US

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being faxed to the United States Patent and Trademark Office at 1-571-273-8300 on January 17, 2006:



Kenneth M. Kaslow, Reg. No. 32,246

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SIR:

Pursuant to the provisions of 37 C.F.R. §§ 1.56 and 1.97-98 of the Rules of Practice in Patent Cases, enclosed herewith is form PTO-SB-08a, listing four references.

Applicants declare, in accordance with 37 C.F.R. § 1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a

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communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after having made a reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The Examiner is requested to make these references of official record in this application. The references cited may be material to examination of the application and are submitted in compliance with Applicants' duty of disclosure as defined by 37 C.F.R. § 1.56.

No representation is made or intended as to the completeness of this list, nor is the inclusion of any reference on this list an admission that it is prior art or pertinent to this application. No fee is due with this submission.

Respectfully submitted,
Fouad A. Tobagi et al.

January 17, 2006

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Application Number	09/853,816
Filing Date	May 11, 2001
First Named Inventor	Tobagi
Art Unit	2665
Examiner Name	M. U. Phan
Attorney Docket Number	PA1689US

PAGE 5/6 * RCVD AT 1/17/2006 5:35:37 PM (Eastern Standard Time) * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:011+1 650 812 3444 * DURATION (mm:ss):01:52

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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	09/853,816
Filing Date	May 11, 2001
First Named Inventor	Tobagi
Art Unit	2665
Examiner Name	M. U. Phan
Attorney Docket Number	PA1689US

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

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